

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARTIN SCHULMAN, M.D., ET AL.,

Plaintiff,

- against -

ALVIN J. DELAIRE,

Defendant.

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/12/10

09 CV 3871 (HB)

ORDER

Hon. HAROLD BAER, JR., District Judge:

WHEREAS, on April 17, 2009, Plaintiff Martin Schulman, M.D. ("Plaintiff" or "Schulman") instituted this action by filing a complaint alleging violations of the Securities Exchange Act of 1934, 15 U.S.C. §§ 78a-111 and Rule 10b-5 promulgated thereunder, violations of the Securities Act of 1933, 15 U.S.C. §§ 77a-aa, breach of fiduciary duty, negligence, common law fraud, and unjust enrichment; and,

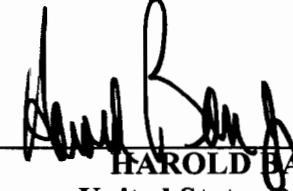
WHEREAS, on January 7, 2010, counsel for Plaintiff appeared before this Court and represented that, because this action is factually related to another pending litigation, Plaintiff would not like to proceed with his case at this time; it is hereby,

ORDERED, that, pursuant to Rule 41(a)(2), Plaintiff's Complaint is dismissed WITHOUT PREJUDICE. Plaintiff, should he wish, may re-file if and when he is able and willing to prosecute this case.

The Clerk of the Court is instructed to close this case and remove it from my docket.

SO ORDERED.

New York, New York
January 12, 2010


HAROLD BAER, JR.
United States District Judge